

# MEMORANDUM

June 9, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: JACK SCHULER, ESQ.  
Schuler and Brown

NARBEH BAGDASARIAN  
Senior Associate County Counsel  
Health Services Division

RE: Robert Maurer v. County of Los Angeles  
Los Angeles County Superior Court, Case No. BC 319457

DATE OF  
INCIDENT: January 11, 2004

AUTHORITY \$890,000.00, Plus Waiver of the Medi-Cal Expenses incurred by the County in  
REQUESTED: the amount of \$12,164.00

COUNTY  
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

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## CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☒

Recommend to Board of  
Supervisors for Approval

*Rocky Armfield*, Chief Administrative Office  
ROCKY ARMFIELD

*John F. Krattli*, County Counsel  
JOHN F. KRATTLI

ABSENT, Auditor-Controller  
MARIA M. OMS

on June 26, 2006

## SUMMARY

This is a recommendation to settle for \$890,000.00, the medical negligence lawsuit brought by Robert Maurer for the injuries he sustained while hospitalized at LAC+USC Medical Center. The County, having provided medical care, has a claim for reimbursement for \$12,164.00, which will be waived.

## LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

## SUMMARY OF FACTS

While riding his bicycle on January 8, 2004, plaintiff, Robert Maurer, a 35-year-old male, was injured in an automobile accident. The paramedics were called at the scene of the accident and noted that Mr. Maurer had weakness in his hands and was unable to move his legs. Mr. Maurer was transferred to LAC+USC Medical Center by the paramedics at around 8:40 p.m., on January 8, 2004.

At the emergency department, the personnel evaluated the patient. Although the patient was generally stable, considering the nature of his accident, he was scheduled to be evaluated for a possible spinal cord injury. The patient remained at the emergency department until around 7:30 a.m., on January 9, 2004, when he was admitted to the Trauma Unit.

Mr. Maurer remained in the Trauma Unit until the time of his discharge at about 2:30 p.m., on January 11, 2004. During the time that the patient was at the Trauma Unit, he continued to have complaints of weakness and inability to move. In spite of the patient's complaints, no neurology or neurosurgery consultation was requested for him.

On January 11, 2004, the patient was discharged with no medication and no recommended clinic appointments. Although some of the staff who were involved in Mr. Maurer's discharge believed that he was ambulatory (fully able to move) and was able to return to work, the medical records discharge summary contains conflicting information regarding the patient's ambulatory status.

Because of continuing weakness, Mr. Maurer was taken to a hospital in Phoenix, Arizona on January 20, 2004. Further medical evaluation indicated that the patient was suffering from significant cervical spinal cord compression (a condition where the spinal cord is compressed in the neck area).

On January 23, 2004, the patient underwent an operation on his neck to decompress the spinal cord and stabilize the vertebrae. Post operatively, his neurological status improved.

Mr. Maurer is now a resident of a skilled nursing facility and still has generalized weakness in all of his extremities due to injuries to his spinal cord. He is currently able to walk only a short distance with the aid of a walker.

### DAMAGES

If this matter proceeds to trial, the claimant will likely seek the following:

Pain and Suffering (MICRA Limit)	\$ 250,000.00
Past medical expenses	\$ 246,652.09
Future medical expenses	\$1,258,216.00
Other (Medicaid/APIPA)	\$ <u>44,392.27</u>
TOTAL	\$1,799,260.36

The proposed settlement includes:

Pain and Suffering	\$ 250,000.00
Attorneys Fees (MICRA Estimate)	\$ 197,666.67
Costs of Litigation	\$ 50,000.00
Other (future medical needs)	\$ <u>392,333.33</u>
TOTAL	\$ 890,000.00

### STATUS OF CASE

Plaintiff, Robert Maurer, brought this medical malpractice lawsuit against the County of Los Angeles. The current trial date has been vacated pending approval of this settlement.

This matter involved complicated medical questions and issues surrounding the care and treatment rendered to Robert Maurer at LAC+USC Medical Center. In addition to the normal discovery in such matters, it was necessary to retain several medical experts to review the care rendered by the County personnel and the extent and cause of the plaintiff's injuries.

Expenses incurred by the County of Los Angeles in the defense of this case through March 2006, are attorneys fees of \$82,936.48 and \$44,836.99 in costs.

The total cost to the County of Los Angeles, as a result of this settlement is as follows:

Indemnity (Settlement Amount)	\$ 890,000.00
County Attorneys Fees and Costs	\$ 127,773.47
Waiver of County (LAC+USC) bill	\$ <u>12,164.00</u>
 TOTAL	 \$1,029,937.47

### EVALUATION

Medical experts will be critical of the failure of medical personnel to fully evaluate and treat Robert Maurer prior to his discharge on January 11, 2004. This failure fell below the standard of care, and contributed to Mr. Maurer's current neurological status.

We join with our private counsel, Jack Schuler, Esq., and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$890,000.00, plus the waiver of the medical expenses incurred by the County in the amount of \$12,164.00.

The Department of Health Services concurs in this settlement.

APPROVED:



RICHARD K. MASON  
Assistant County Counsel

NB:bdv